

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|---------------------------------------|---|--|
| In re: | : | |
| | : | Case No.: 20-10804 |
| Daniel J Lewis | : | Chapter 13 |
| | : | Judge Ashely M. Chan |
| Debtor(s) | : | * * * * * |
| | : | * |
| | : | |
| JPMorgan Chase Bank, N.A. | : | Date and Time of Hearing |
| Movant, | : | Place of Hearing |
| vs | : | August 12, 2020 at 11:00 a.m. |
| | : | |
| Daniel J Lewis | : | U.S. Bankruptcy Court |
| | : | 900 Market Street, Courtroom #4 |
| SCOTT F. WATERMAN (Chapter 13) | : | Philadelphia, PA, 19107 |
| Respondents. | : | |

**MOTION OF JPMORGAN CHASE BANK, N.A. FOR RELIEF FROM THE
AUTOMATIC STAY REGARDING THE PERSONAL PROPERTY KNOWN AS 2016
JEEP WRANGLER, VIN# 1C4AJWAG2GL228655**

JPMorgan Chase Bank, N.A. (the "Creditor"), by and through the undersigned counsel, files this Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. § 362 and other sections of Title 11 of the United States Code, and under Federal Rules of Bankruptcy Procedure 4001 and 6007 for an order conditioning, modifying, annulling, or dissolving the automatic stay, averring as follows.

1. This is an action arising pursuant to a case under Title 11 of the United States Code.
2. Creditor is a lending institution duly authorized to conduct business in the Commonwealth of Pennsylvania.
3. Creditor is a party-in-interest in the above referenced Bankruptcy matter as it is a secured creditor of the Debtor.

4. The Court has jurisdiction over this matter under 28 U.S.C §§ 157 and 1334. This is a core proceeding under 28 U.S.C. § 157(b)(2). The venue of this case and this Motion is proper under 28 U.S.C. §§ 1408 and 1409.
5. On February 7, 2020, Daniel J Lewis (the "Debtor") filed a voluntary petition for relief under Chapter 13 of the United States Bankruptcy Code ("Petition").
6. On September 4, 2017, the Debtor obtained a loan from JPMorgan Chase Bank, N.A. in the amount of \$29,806.94 for the purchase of a 2016 Jeep Wrangler VIN# 1C4AJWAG2GL228655 ("Collateral"). Debtor agreed to make periodic payments in the amount of \$476.69 to JPMorgan Chase Bank, N.A. Such loan was evidenced by a Retail Installment Contract (the "Contract"), a copy of which is attached hereto as Exhibit A.
7. To secure payment of the Contract, Debtor delivered the Certificate of Title for a Vehicle to the Collateral to Creditor. On or about December 7, 2017, Creditor perfected its security interest in the Collateral by delivering the Certificate of Title for a Vehicle along with the appropriate application and fees to the Department of Transportation of the Commonwealth in accordance with Pa.C.S. § 1132.1(a). As a result, Creditor has a valid security interest in the Collateral. A copy of the Lien and Title Information is attached hereto as Exhibit B.
8. Creditor believes the clean retail value of the Collateral \$21,300.00 based upon NADA Used Cars/Trucks guide dated July 1, 2020, a copy of which is attached hereto as Exhibit C.
9. Post-petition payments have not been received, therefore no post-petition payment history is attached.
10. Debtor's Chapter 13 Plan calls for the Debtor to retain the Vehicle.

11. Debtor has failed to make full post-petition payments for the past 5 months as of July 1, 2020 and is in default in the amount of \$2,383.14.
12. As of July 1, 2020, there is currently due and owing on the Contract the outstanding principal balance of \$20,571.90, plus interest accruing thereon at the rate of 0.000% per annum. This amount is broken down as follows:

| Total Loan Balance | |
|---------------------------------|---------------|
| Description | Amount |
| Principal | \$20,571.90 |
| Interest | \$0.00 |
| Escrow advance | \$0.00 |
| Late charges | \$0.00 |
| Other Income | \$335.05 |
| Costs | \$1,069.56 |
| Less Contractual Suspense Funds | \$(0.00) |
| Total: \$21,976.51 | |

13. Creditor seeks relief from the automatic stay pursuant to 11 U.S.C. § 362(d) to proceed under applicable nonbankruptcy law to enforce its remedies to repossess and sell the Collateral.
14. Creditor is entitled to relief from the automatic stay for the following reason(s):
- Creditor lacks adequate protection of its secured interest in the Collateral pursuant to 11 USC § 362(d)(1) as a result of Debtor's failure to make payments when due.
 - Debtor has no equity in the Collateral, and the Debtor does not need the Collateral for an effective reorganization pursuant to 11 USC § 362(d)(2). Debtor's outstanding balance exceeds the value of the Collateral. Based upon the lack of equity in the Collateral, Creditor asserts that the Collateral is burdensome and/or of inconsequential value and benefit to the estate.

WHEREFORE, JPMorgan Chase Bank, N.A. respectfully requests this Honorable Court to enter an order terminating the Automatic stay as it affects the interests of JPMorgan Chase

Bank, N.A. in the Collateral, and granting such other relief as this Honorable Court may deem just.

Respectfully submitted,

/s/ Karina Velter

Karina Velter, Esquire (94781)

Adam B. Hall (323867)

Sarah E. Barngrover (323972)

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Attorneys for Creditor

The case attorney for this file is Karina Velter.

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: **Judge Ashely M. Chan**
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: **900 Market Street, Courtroom #4**
SCOTT F. WATERMAN (Chapter 13) : **Philadelphia, PA, 19107**
Respondents. :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Relief from the Automatic Stay regarding the Personal Property known as 2016 Jeep Wrangler VIN# 1C4AJWAG2GL228655 was served on the parties listed below via e-mail notification:

Office of U.S. Trustee, Party of Interest, (Registered address)@usdoj.gov

SCOTT F. WATERMAN (Chapter 13), Chapter 13 Trustee, 2901 St. Lawrence Ave., Suite 100, Reading, PA 19606, ECFMail@ReadingCh13.com

Brad J. Sadek, Attorney for Daniel J Lewis, Sadek and Cooper, 1315 Walnut Street, Suite 502, Philadelphia, PA 19107, brad@sadeklaw.com

The below listed parties were served via regular U.S. Mail, postage prepaid, on July 14, 2020:

Daniel J Lewis, 615 Green Street, Bridgeport, PA 19405

DATE: July 14, 2020

/s/ Karina Velter

Karina Velter, Esquire (94781)
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